

REMARKS

Claims 30, 32, and 34 presently appear in this case. No claims have been allowed. The official action of August 17, 2009, has now been carefully studied. Reconsideration and allowance are respectfully urged.

Briefly, the present invention relates to the administration of a glycosphingolipid cell activator of specified formula to a mammal in order to activate NKT cells, accelerate IL-4 production, or accelerate IFN- γ production.

The examiner has acknowledged applicant's claim for priority to Japanese application 2004-043481 filed on February 19, 2004, and receipt of a certified copy of the foreign priority document in Japanese. However, the examiner states that applicant has not perfected the claim for foreign priority because the English translation that was filed on April 24, 2009, was not filed with a statement indicating that the translation of the certified priority document is accurate.

Attached hereto is another copy of the same translation, attached to which is a statement of the translator, Ms. Mariko Matsukawa, stating that she is the translator of the certified official copy of the documents in respect of an application for a patent filed in Japan on January 19, 2004, under Patent Application No. 043481-2004 and

that the translation is a true and correct translation to the best of her knowledge and belief. This should comply with all of the rules for perfecting the claim to the benefit of the Japanese priority document and the priority date of February 19, 2004, for everything disclosed in that application.

Claims 30, 32, 34, 36, 38, 40, 42, 50, 52, 54 and 55 have been objected to because they depend from a withdrawn claim. This objection is respectfully traversed.

By the present amendment, all of the claims have been deleted except for claims 30, 32 and 34. These claims were amended in the previous amendment so as to appear in independent form. Accordingly, no claim remaining in this case is dependent from a withdrawn claim. Reconsideration and withdrawal of this objection is therefore respectfully urged.

Claims 30, 32, 34, 50 and 55-59 have been rejected under 35 USC §103(a) as being unpatentable of Tsuji in view of Kawahara, in view of Kawano. This rejection is respectfully traversed.

The earliest possible effective date of the Tsuji publication as a reference is December 28, 2004. We note that the Tsuji application has now issued as U.S. Patent 7,534,434. This patent has the same earliest possible date of availability as a reference. As indicated above, applicant has now perfected the claim for priority to Japanese

application 2004-043481, filed on February 19, 2004. This application fully supports the subject matter of claims 30, 32 and 34. Claims 30, 32 and 34 are the only claims remaining in this case. As each of these claims has an effective filing date of February 19, 2004, they antedate the earliest date that Tsuji can be relied upon as a reference. As the present rejection cannot stand if Tsuji is not available as a reference, reconsideration and withdrawal of this rejection is respectfully urged.

Claims 30, 32, 34, 50 and 55-59 have been rejected under 35 USC §103(a) as being unpatentable over Van Dommelen, in view of Wu in view of Kawahara in view of Kawano. This rejection is respectfully traversed.

As discussed above, the effective filing date of February 19, 2004, has been perfected for claims 30, 32 and 34, which are all the claims presently appearing in this case. The Wu reference shows a publication date of February 1, 2005, although the *PNAS* website indicates that this particular article was published online before print on January 21, 2005. In either case, it is antedated by the effective filing date of claims 30, 32, and 34, which is February 19, 2004. Thus, Wu is not available as a reference. Without the Wu publication being available as a reference, the present

rejection cannot stand. Accordingly, reconsideration and withdrawal of this rejection are respectfully urged.

Claims 30, 32, 34, 40, 42 and 52 have been rejected under 35 USC §103(a) as being unpatentable over Kakimi in view of Wu and Wiese, as evidenced by Trinchieri. This rejection is respectfully traversed.

As discussed above, the journal publication by Wu is not available as a reference, because of the effective filing date of all of the present claims. Without the Wu publication, the present rejection cannot stand. Accordingly, reconsideration and withdrawal thereof is respectfully urged.

Claims 30, 32 and 34 have been rejected as being unpatentable over Kitamura in view of Wu and Wiese. This rejection is respectfully traversed.

As discussed above, the journal publication by Wu is not available as a reference, because of the effective filing date of all of the present claims. Without the Wu publication, the present rejection cannot stand. Accordingly, reconsideration and withdrawal thereof is respectfully urged.

Claims 50 and 54-59 have been rejected as being unpatentable over Tay in view of Kakimi, Wu and Wiese. This rejection is respectfully traversed.

Claims 50 and 54-59 have now been deleted without prejudice toward to the continuation of prosecution thereof in

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a continuing application. Accordingly, this rejection has now been obviated.

It is submitted that all of the claims now present in the case clearly define over the references of record and fully comply with 35 USC §112. Reconsideration and allowance are therefore earnestly solicited.

Respectfully submitted,

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